

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA *ex rel.*  
Susan Ruscher, *et al.*,

Plaintiffs,

v.

OMNICARE, INC. *et al.*,

Defendants.

Civil Action No. 08-3396

Judge Keith P. Ellison

**STIPULATION REGARDING ELECTRONIC DISCOVERY**

IT IS HEREBY AGREED, by and between relator Susan Ruscher and defendants Omnicare, Inc. and its currently existing subsidiaries that have been named as defendants and on whose behalf Omnicare, Inc. has accepted service (collectively with Omnicare, Inc. the “Omnicare Defendants”), through their undersigned counsel, that the following specifications shall govern electronic discovery in the above-captioned Action, pursuant to the provisions of Fed. R. Civ. P. 34 permitting parties to specify the form or forms in which electronically stored information is to be produced:

1. Where electronic documents are produced in the above-captioned litigation, the parties agree that they will be produced in the following format:

- a. The parties will produce images in single-page TIFF format, accompanied by a load file (OPT or DAT) containing the beginning and ending bates numbers, document ID, full storage path for each document, OCR data, relevant metadata (as discussed below), and identification of any family relationship or association. Any documents produced in native format pursuant to point (b) below shall have an image indicating the bates number of the document and indicating that it was produced in native format. Nothing in this paragraph shall prohibit a party from requesting that a third-party produce documents in a different format, including searchable PDF.
- b. All Excel spreadsheets, audio, video, and database files are to be produced in native format, accompanied by a load file (OPT, DAT) containing the beginning and ending bates numbers, file name, full storage path for each document, OCR data, relevant metadata, and identification of any family relationship or association.
- c. Any load file produced shall contain the following metadata field information, where available:

<b>METADATA FIELDS REQUESTED</b>	
<b>Field/Metadata</b>	<b>Description</b>
<b>Electronic Data (Word Processing Documents, Spreadsheets, Email Messages, Etc.)</b>	
Begin Bates / Bates Start	Identifies the Bates number of the beginning page of a document.
End Bates /Bates End	Identifies the Bates number of the ending page of a document.
Parent ID	Identifies the Bates number associated with the first page of a parent email or electronic document.
Begin Attach	Identifies the Bates number associated with the first page of a attachment to a parent email or electronic document.
End Attach	Identifies the Bates number associated with the last page of the last attachment to a parent document.
Attachment Count	Identifies the number of attachments to an email.
Attachment Names	Identifies the file names of all attachments to an email.
Custodian/Source	Identifies the collection source or custodian of the collected email message or electronic document.
PST Source	Identifies the name of the PST mailbox.
PST Folder	Identifies the name of each folder collected from the PST mailbox (Inbox, Sent Mail, Drafts, etc.).
From	Identifies the sender of an email.
Author	Identifies the creator or distributor of an electronic or imaged document.
To / Recipient	Identifies all recipients of an email ("To") or of an electronic or imaged document (Recipient).
CC	Identifies all individuals copied on an email or electronic or imaged document ("Cc" or "Copied To").
BCC	Identifies all individuals blind copied on an email or electronic or imaged document ("BCC" or "Blind Copied").
Subject	Identifies the subject line of an email or electronic document.
Date Created	Identifies the date the email or document was created.
Date Sent	Identifies the date an email was sent.
Date Received	Identifies the date an email was received.
Date Modified	Identifies the date the email or document was last modified.
Date Last Saved	Identifies the date a document was last saved.
Time Sent	Identifies the time an email was sent.
Time Received	Identifies the time an email was received.
Time Zone	Identifies the time zone used for processing the file
Sort date	Identifies the master family date based on parent record date
Conversation Index	Email conversation thread ID
Duplicate Custodians	Identifies any other individuals who possessed a copy of the document where such copies have been removed from the

	production as part of a de-duplication process.
Last Saved By	Identifies the name of the person who last saved the document.
Image File Name	The file name of an imaged document.
File Extension	Identifies the extension of an electronic or imaged document.
Title	Identifies the “Title” of an electronic or imaged document.
Native File Name	Identifies the original name of the native email or electronic document.
Native File Path	Identifies the file path from where the native email or electronic document was originally stored and collected.
Page Count	Identifies the number of pages in the produced document
InReplyToID	The internal metadata value within an email for the reply-to ID.
IntMSTID	Email internal message ID
Document Type	Identifies whether the document is an email, attachment, or e-doc
Hash Value	Hash value (either MD5 or SHA1) for all email messages and/or electronic files.
Redaction Reason	Identifies the reason for redactions applied to each document, if any.

2. All documents produced should be Bates labeled as such:

- a. Each page of each image should contain consecutive Bates labels on each page in the lower right-hand corner as to not obstruct the view of any text or images on the document itself.
- b. Native file documents should be named with the Begin Bates value of the document, with the original filename located in the “Native Filename” field of the metadata.

3. If the discovery request seeks some information only available in a video format, the video files themselves shall be produced in the format in which they were kept in the ordinary course of business.

4. The producing party shall organize its production consistent with one or more of the methods described in Federal Rule of Civil Procedure 34(b)(2)(E)(1). The method shall be chosen solely by the producing party. All attachments to documents are to be grouped with the document to which it is attached. By way of example, if an email has an attachment, the email and its attachment are to be grouped together.

\* \* \*

The parties shall make their best efforts to comply with and resolve any differences concerning compliance with this stipulation. No party may seek relief from the Court concerning compliance with the stipulation until it has conferred with the other party to an Action.

Dated: October 8, 2014

Respectfully submitted,

/s/ David Berg

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